

1 determined and scheduled by the Magistrate Judge and may, to
2 the extent he determines, overlap Phases I and II as
3 appropriate. We do anticipate, however, that the additional
4 phases will not be scheduled by the Magistrate Judge at least
5 until the threshold issues as set forth above have been
6 decided on the merits. The additional phases shall include,
7 but not be limited to:

8 (a) All other claims, crossclaims, counterclaims,
9 defenses and issues raised by the pleadings of the
10 parties that are not included in the threshold
11 issues.

12 (b) All other issues related to the Tribal Claims.

13 (c) All issues related to the other Federal Claims.

14 Responses to Process

15 (13) The notices in lieu of summons shall notify the
16 persons or entities served concerning how and when they must
17 respond. They shall be directed to file and serve upon the U.S.,
18 ^{DELETED PER ORDER 11/27/2007}
~~[the Tribe, the Walker River Irrigation District, the States of~~
19 ~~Nevada and California]~~ within 60 days after completion of service
20 of process (or where service is by publication within 60 days after
21 the last day of publication of such service), a notice of
22 appearance and intent to participate. No Answers or other pleading
23 will be required except upon further order of the Magistrate Judge
24 entered thereafter. No default shall be taken for failure to
25 appear.
26

1 (14) Upon completion of Phase I it may be necessary to
2 join additional parties.

3 Discovery, Motions and Further Proceedings

4 (15) Once the Magistrate Judge has finally determined the
5 threshold issues, discovery shall be allowed to all parties on the
6 threshold issues. Discovery shall also be permitted during that
7 same time period concerning the basis for the Tribal Claims; such
8 discovery shall be limited to propounding of interrogatories and
9 requests for production of documents relating to the contentions of
10 the U.S./Tribe with respect to the basis for the Tribal Claims.

11 The discovery provided for in this paragraph (15) shall
12 be conducted for such period and according to such terms,
13 conditions, modifications and extensions to this order as shall be
14 determined to be appropriate by the Magistrate Judge.

15 As provided above, all other discovery is stayed.

16 (16) Motions which may be dispositive or partially
17 dispositive of any threshold issue shall be deferred until
18 completion of discovery as permitted by this order and shall be
19 filed thereafter within such time period and schedules for answers
20 and replies as shall be determined by the Magistrate Judge. Such
21 dispositive motions, however, will be decided by the undersigned
22 judge.

23 (17) To the extent the threshold issues are not resolved
24 by motions, an evidentiary hearing shall be held before the
25 undersigned judge at such time and according to such conditions
26

1 (including, as appropriate, the filing of joint prehearing orders
2 as shall be determined by the Magistrate Judge.

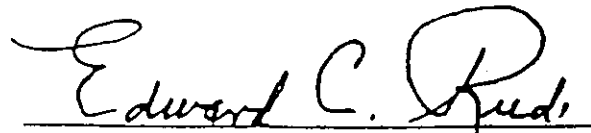
3 (18) If a party wishes to perpetuate testimony relevant
4 to this matter, that party shall comply with Fed. R. Civ. P. 27 and
5 any applicable Local Rule. The Magistrate Judge will consider and
6 determine all issues pertaining to perpetuation of testimony.

7 (19) Any party may move for modification of this Case
8 Management Order for good cause shown. The Magistrate Judge shall
9 have authority to change, modify and adjust this order. The
10 Magistrate Judge shall hold regular periodic status conferences at
11 times he shall determine, so that he and the parties may be advise
12 as to the progress of the case and problems encountered, so that
13 appropriate changes, modifications, and adjustments may be made in
14 this order and such problems addressed.

15 IT IS FURTHER ORDERED that the Joint Motion For Leave to
16 Serve First Amended Counterclaim filed by U.S./Tribe (#62) is
17 GRANTED on the basis and to the extent set forth in this order.

18 The motions (#67), (#90), (#96), and (#98) are all
19 considered ruled upon and decided as provided in the within order.

20 DATED: April 18, 2000.

21 
22 UNITED STATES DISTRICT JUDGE
23
24
25
26



NORTHERN NEVADA URGENT CARE
212 W. ANN STREET, CARSON CITY, NV 89703

TO:

CHIEF DEPUTY CLERK
US DISTRICT COURT FOR THE
DISTRICT OF NEVADA
400 S. VIRGINIA STREET, STE 301
RENO, NV 89501

